

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

QUIWANERA SPIKES,

Plaintiff,

v.

EXTRA STORAGE SPACE, *et al.*,

Defendants.

Case No. 2:14-cv-0796-APG-CWH

**Order Accepting Findings and
Recommendation and Dismissing Case**

On June 5, 2014, Magistrate Judge Hoffman entered his Findings and Recommendation (Dkt. #5) recommending dismissal of Plaintiff's Complaint for lack of subject matter jurisdiction. Plaintiff filed an objection to that Findings and Recommendation. (Dkt. #6.) Pursuant to Local Rule IB 3-2, I have conducted a de novo review of the issues set forth in the Findings and Recommendation. Judge Hoffman's Findings and Recommendation sets forth the proper legal analysis, and the factual basis, for the decision. However, I disagree with his recommendation that the dismissal be with prejudice. While this federal court lacks jurisdiction over plaintiff's claims, the Nevada state court system likely has jurisdiction over her claims. Plaintiff is not represented by counsel in this matter, and she should not be barred or estopped from attempting to pursue her claims in state court merely because she initially filed them in the wrong court. Therefore,

IT IS HEREBY ORDERED that Judge Hoffman's Findings and Recommendation is accepted, except that dismissal should not be with prejudice. This case is DISMISSED WITHOUT PREJUDICE. The clerk is directed to enter judgment accordingly and close this file.

Dated: July 29, 2014.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE